

FILED
LOGGED
ENTERED
RECEIVED
JUN 30 2014
CLERK, U.S. DISTRICT COURT
AT GREENBELT
DISTRICT OF MARYLAND

ATTACHMENT A
Statement of Facts

The United States and Defendant Stephan SPÄTH stipulate and agree that if this case proceeded to trial, the United States would prove the facts set forth below beyond a reasonable doubt. They further stipulate and agree that these are not all of the facts that the United States would prove if this case proceeded to trial.

At all times relevant to this case, Defendant **STEPHAN SPÄTH** (“**SPÄTH**”), was a citizen of Germany and a resident of Rockville, Maryland. **SPÄTH** was a special volunteer at the National Institute of Child Health and Human Development (“NICHD”) on the main campus of the National Institutes of Health, located in Bethesda, Maryland.

On February 27, 2013, IT personnel at NICHD identified a malware attack originating from **SPÄTH**’s work computer. IT personnel determined that the malware originated from a file called “Teen Fuck Me Or I am Telling Daddy.exe” on a portable hard drive, a Seagate FreeAgent GoFlex HDD, serial number NA05N0MZ, that was connected to **SPÄTH**’s work computer. IT personnel discovered a directory of folder names on the portable hard drive that was consistent with and indicative of child pornography. One such directory is named “Backup Private\Stanis2013\nude Child super models\.” On February 27, 2013, with **SPÄTH**’s consent, IT personnel seized **SPÄTH**’s work computer for further forensic review. On March 1, 2013, Health and Human Services Office of Inspector General (“HHS-OIG”) agents previewed, with **SPÄTH**’s consent, the contents of **SPÄTH**’s Seagate FreeAgent GoFlex HDD hard drive and identified images depicting minors engaged in sexually explicit conduct. HHS-OIG agents thereafter seized **SPÄTH**’s hard drive for further forensic review.

On June 12, 2013, HHS-OIG agents executed a federal search warrant at **SPÄTH**’s residence. During this search, HHS-OIG agents seized additional computers and digital media.

HHS-OIG agents conduct a forensic examination on the computers and digital media items seized from **SPÄTH**. **SPÄTH**’s Seagate FreeAgent GoFlex HDD hard drive contained more than 600 video and image files depicting minors, including prepubescent females, engaged in sexually explicit conduct. The forensic examination of the hard drive also revealed that **SPÄTH** downloaded or copied the images and videos of child pornography onto the hard drive prior to March 1, 2013 – the date on which HHS-OIG agents seized the hard drive. Other digital media later seized from **SPÄTH**’s residence on June 12, 2013 also contained additional images depicting minors engaged in sexually explicit conduct.

On or about March 1, 2013, in the District of Maryland, **SPÄTH** possessed the following images on the Seagate FreeAgent GoFlex HDD hard drive, among others:

- 10 yr f+d blowjob #30(1).jpg: A nude prepubescent minor female lying next to a naked adult white male. The minor female is holding the adult male’s penis with her left hand while performing oral sex on the adult male.

- 2_Adolescentes_Sexo_comendo_a_priminhaFodas_19.jpg: An image of a nude prepubescent minor female engaged in sexual intercourse with a naked adult white male. The minor female is sitting on top of the adult male. The adult male has both hands on the waist of the minor female with his penis inserted into the vagina of the minor female.
- Pedo-Fuck Hayley 12yr.jpg: An image of a nude prepubescent minor female sitting on top of a naked white adult male engaged in sexual intercourse. The adult male is holding his penis with right hand while inserting it into the vagina of the minor female.

Additionally, on or about March 1, 2013, in the District of Maryland, **SPÄTH** possessed videos depicting child pornography, including the following:

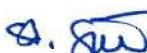
- Moscow 2 14Y #04.mpg: A video of a minor female sitting on a bed performing oral sex on a naked white adult male. Later in the video, the adult male mounts the minor female from behind on the bed with both hands on the waist of the minor female while engaged in sexual intercourse. During the remainder of the eight-minute video, the adult male continues to engage in sexual intercourse with the minor female in various positions.

Pursuant to a review of the images submitted to the National Center for Missing and Exploited Children (“NCMEC”) by HHS-OIG agents, NCMEC indicated that 87 of the images depicted known victims in images of child pornography. Therefore those images depict actual minors engaged in sexually explicit conduct. Those victims did not reside in nor were the images produced in Maryland; the images therefore traveled in interstate and foreign commerce. Moreover, **SPÄTH** downloaded images and videos depicting minors engaged in sexually explicit conduct onto his computer using the Internet and therefore the images and videos traveled in interstate commerce.

I have read this Statement of Facts and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. I do not wish to change any part of it.

23 June 2014

Date



Stephan Späth

I am Stephan Späth's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is an informed and voluntary one.

23 July 2014

Date



Steven H. Levin, Esq.